

**Notice of Allowability**

Application No.

09/545,752

Examiner

HUNG Q. PHAM

Applicant(s)

MOORE ET AL.

Art Unit

2168

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/14/2004.
2. ☒ The allowed claim(s) is/are 1-3, 6-13, 15-21, 23, 24 and 26-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

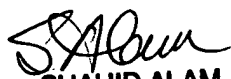
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 06/14/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 121905.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
**SHAHID ALAM**  
**PRIMARY EXAMINER**

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 06/14/2004 was filed after the mailing date of the Non-Final Office Action on 03/10/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Response to Arguments***

Applicant's arguments with respect to the rejection under 35 U.S.C. § 112, first paragraph, filed 06/14/2004 have been fully considered and are persuasive. The rejection of claims 19 and 30 has been withdrawn.

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicants' representative, DAVID J. MCKENZIE, on 12/12/2005.

In the Claims 06/26/2003, please:

Replace

Claims 1, 11, 17, 21 and 28 by the clean version (without underlined and crossed mark) amended by examiner as below:

(Claim 1) *An apparatus for recovering a failed database data set, the apparatus comprising:  
a memory device storing executable modules, the modules comprising:  
a recovery utility having,  
a backup copy restore utility configured to read and restore a backup copy of the failed database data set;  
a merge end point utility configured to determine a merge end point reflective of a separation of detail and spill records in a log;  
a change accumulation manager configured to read a change accumulation data set to derive detail records in parallel with the read and restore of the backup copy;  
an image copy restore utility configured to apply the derived detail records to the backup copy during the read and restore of the backup copy to thereby create a restored database data set;  
a log manager configured to read the log to derive updates subsequent to the merge end point; and  
a database update manager configured to apply the derived updates to the restored database data set.*

(Claim 11) *A method for recovering a failed database data set, the method comprising:  
providing an image copy restore utility;  
providing a log manger;  
reading and restoring a backup copy of the failed database data set;  
reading a change accumulation data set to derive detail records associated with the failed database data set in parallel with the reading and restoring of the backup copy;  
the image copy restored utility applying the derived detail records to the backup copy during the reading and restoring of the backup copy to thereby create a restored database data set;  
determining a merge end point within a log;  
the log manager reading the log to derive updates subsequent to the merge end point; and  
applying the derived updates to the restored database data set.*

(Claim 17) *The method of claim 11, wherein the merge end point is reflective of a separation of detail and spill records in the log.*

(Claim 21) *A computer readable medium having stored thereon computer executable instructions for performing a method for recovering a failed database data set, the method comprising:*

- providing an image copy restore utility;*
- providing a log manger;*
- reading and restoring a backup copy of the failed database data set;*
- reading a change accumulation data set to derive detail records associated with the failed database data set in parallel with the reading and restoring of the backup copy;*
- the image copy restored utility applying the derived detail records to the backup copy during the reading and restoring of the backup copy to thereby create a restored database data set;*
- determining a merge end point within a log;*
- the log manager reading the log to derive updates subsequent to the merge end point; and*
- applying the derived updates to the restored database data set.*

(Claim 28) *The computer readable medium of claim 21, wherein the merge end point is reflective of a separation of detail and spill records in the log.*

#### ***Allowable Subject Matter***

**Claims 1-3, 6-13, 15-21, 23, 24 and 26-31 are allowed.**

**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFREY A. GAFFIN can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
HUNG Q PHAM  
Examiner  
Art Unit 2168

December 19, 2005

  
SHAHID ALAM  
PRIMARY EXAMINER